

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 776 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PATEL RAMESHBHAI ASHABHAI

Versus

REGIONAL PASSPORT OFFICER

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Appearance:

MR YATIN SONI for Petitioner

MS PROMILA SAFAYA for Respondent No. 1

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CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 21/02/97

ORAL JUDGEMENT

Rule. Ms. Promila Safaya, learned Standing Counsel for Central Government, waives service of notice of Rule on behalf of respondent.

At the request of learned advocates appearing for the parties, the petition is heard today.

By means of filing this petition under Art. 226 of the

Constitution, the petitioner has prayed to issue an appropriate writ or order directing the respondent to grant Passport to the petitioner showing his date of birth to be " March 1, 1942 ".

In the petition, the petitioner has averred that the petitioner was born at village Kavitha, Dist. Kheda on March 1, 1942. Earlier the petitioner had applied for Passport which was issued by the respondent. In the said Passport, the date of birth of the petitioner was shown to be "March 1,1943 ". The petitioner has claimed that his correct date of birth is "March 1, 1942". In support of the said claim, the petitioner has produced School Leaving Certificate dt. November 27, 1995 issued by Principal, Sarvodaya Kelavani, At & Post Chandrej, Tal. Bayad, Dist. Sabarkantha which indicates that the date of birth of the petitioner is 'March 1, 1942'. The petitioner has pleaded that the petitioner has applied for Passport in 1996 indicating correct date of birth but by letter dt. August 19, 1996, the petitioner was directed to obtain order from the court so as to enable the respondent authority to show correct date of birth in the Passport. Under the circumstances, the petitioner has filed present petition and claimed relief to which reference is made earlier.

From the contents of communication dt. November 2, 1983 issued by Mamlatdar, Borsad which is produced on the record of the case, it is evident that Birth Certificate of the petitioner is not available. The School Leave Certificate produced by the petitioner at Annexure A to the petition shows that date of birth of the petitioner is "March 1, 1942". In absence of Birth Certificate, School Leaving Certificate can be relied upon for the purpose of ascertaining correct date of birth of the petitioner. The contents of the School Leaving Certificate are not in dispute. Under the circumstances, following direction is given :-

The respondent is directed to act upon the School Leaving Certificate dt. November 27,1995 which is produced at Annexure A to the petition and issue fresh Passport to the petitioner mentioning date of birth of petitioner as March 1, 1942. Rule is made absolute accordingly, with no order as to costs.

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